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EXAMINER				
CHENEVERT, PAUL A				
ART UNIT		PAPER NUMBER		
3612				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/596,089

**Applicant(s)**

TAMADA, TERUO

**Examiner**

Paul A. Chenevert

**Art Unit**

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 5-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 30 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/CDC)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Change of Examiner***

1. The Examiner of Record, Mike Hernandez, is no longer working on this application. The new Examiner of Record is Paul Chenevert and may be reached at 571-272-6657.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

3. The drawings are objected to because the lead line for reference number 4 should be redrawn to touch the shock receiving surface and not the wall in Figure 7 (see Figure 8 for proper illustration).

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

5. Claims 5-14 are objected to because of the following informalities:
  - a. Claim 5, line 3, "Opposing" should be changed to "opposing".
  - b. Claim 5, lines 4 & 8, "Said" should be changed to "said".
  - c. Claim 5, lines 5 & 6, "A" should be changed to "a".
  - d. Claim 5, lines 6 & 8, "groves" should be changed to "grooves".
  - e. Claims 6-11 & 14, line 1, "claim 1" should be changed to "claim 5".

Appropriate correction is required.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 5-14 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 5, 6, 9 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuhito (US 5,033,593; 23JUL91) in view of obvious common knowledge and Carroll, III et al. (US 6,679,967 B1; published 20JAN04; filed 17JUL00).

Kazuhito discloses a vehicle shock absorber having first and second ends, the shock absorber comprising: opposing first and second walls (5); the first wall disposed apart from the second wall; a shock receiving surface (2) at the first end connecting the first and second walls; a plurality of recessed grooves (4) spaced substantially equally disposed in the first and second walls, and substantially perpendicular to the shock receiving surface; and the recessed grooves extending from the shock receiving surface to the second end.

In regards to claim 9, the vehicle shock absorber further comprises first and second peripheral walls (2, 3) connecting the first and second walls.

In regards to claim 14, the shock receiving surface has a first edge joined to the first wall, and a second edge joined to the second wall; a distance between the first edge and the second edge being less than or equal to a length of the first edge.

However, Kazuhito does not expressly disclose that a recessed groove in the second wall is provided at a position opposed to a wall surface between two adjacent recessed grooves formed in the first wall so that the recessed grooves formed in the first wall and recessed grooves formed in the second wall are disposed alternately, and a distance (a) from a lower end of a recessed groove in a first wall to a second wall is made equal to a distance (b) from the lower end of the recessed groove in the first wall to a lower end of the recessed groove in the second wall, nor that a first recessed groove disposed in the first wall is opposed to a section of the second wall disposed between adjacent second and third recessed grooves disposed in the second wall.

The Examiner **again** takes Official Notice that selecting the pattern of alternating grooves is an obvious design choice, which was notoriously well known to a person having ordinary skill in the art at the time of the invention.

The suggestion/motivation for doing so would have been to allow for increased shock absorption, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the vehicle shock absorber of Kazuhito by employing an alternating groove pattern to obtain the invention as specified in claim 5, as taught by the prior references' motivation and obvious common knowledge, and not hindsight from the applicants disclosure.

The Applicant's response on 18JUN08 does not address the Examiner's Official Notice of 18MAR08. This appears to constitute acquiescence that the feature was well known in the art at the time of the invention.

Carroll, III et al. disclose a modular energy-absorbing assembly including a recessed groove in a second wall provided at a position opposed to a wall surface between two adjacent recessed grooves formed in a first wall so that the recessed grooves formed in the first wall and recessed grooves formed in the second wall are disposed at a distance (a) from a lower end of a recessed groove in a first wall to a second wall is made equal to a distance (b) from the lower end of the recessed groove in the first wall to a lower end of the recessed groove in the second wall, as can best be seen in Figures 14-17.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the vehicle shock absorber of Kazuhito, to employ closer spaced walls, as taught by Carroll, III et al.

The suggestion/motivation for doing so would have been to provide a more energy absorbing assembly, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the vehicle shock absorber of Kazuhito by combining closer spaced walls with the shock receiving surface to obtain the invention as specified in claim 5, as taught by the prior references' motivation, and not hindsight from the Applicant's disclosure.

9. Claims 7 & 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuhito, as twice modified, as applied to claim 5 above, and further in view of Glance (US 5,382,051; 17JAN95).

Kazuhito, as twice modified, disclose a vehicle shock absorber, as described above, including semi-arc notches formed in the shock absorbing surface by the recessed grooves.

However, Kazuhito, as twice modified, do not expressly disclose a parting line due to blow molding.

Glance discloses a blow molded vehicle shock absorber. It is inherent that blow molded plastic will have a parting line, often accompanied by flash that is then removed.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the vehicle shock absorber of Kazuhito, as twice modified, to employ a parting line, as taught by Glance.

The suggestion/motivation for doing so would have been to control deformation characteristics, as is desired in this vehicle invention.

Additionally, Kazuhito discloses (column 2, lines 53-56) the recessed grooves are created by hydroforming. Hydroforming is similar to blow molding and would be an obvious alternative given the type of materials used, such as plastic by Glance.

In regards to claim 11, Glance discloses (column 3, lines 50-61) the shock absorber is thermoplastic.

In regards to claims 12 and 13, selecting the physical characteristics of the thermoplastic, as well as the composition, is an obvious modification given the material taught by Glance. The Applicant's response on 18JUN08 does not address the Examiner's Official Notice of 18MAR08. This appears to constitute acquiescence that the feature was well known in the art at the time of the invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the vehicle shock absorber of Kazuhito, as twice modified, by employing blow molding techniques to obtain the invention as specified in claims 7, 10 & 11, as taught by the prior references' motivation, and not hindsight from the Applicant's disclosure.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuhito, as twice modified, as applied to claim 5 above, and further in view of Filbert, Jr. et al. (US 3,995,901; 07DEC76).

Kazuhito, as twice modified, disclose a vehicle shock absorber, as described above.

However, Kazuhito, as twice modified, do not expressly disclose that the vehicle shock absorber is configured to be interposed between a bumper beam and a bumper fascia, such that the shock receiving surface is disposed proximate the bumper fascia.



Filbert, Jr. et al. disclose a corrugated vehicle shock absorber configured to be interposed between a bumper beam and a bumper fascia, such that a shock receiving surface is disposed proximate the bumper fascia, as best seen in Figure 5.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the vehicle shock absorber of Kazuhito, as twice modified, to employ the device as a bumper beam shock absorber, as taught by Filbert, Jr. et al.

The suggestion/motivation for doing so would have been to absorb frontal impacts, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the vehicle shock absorber of Kazuhito, as twice modified, by employing the device as a bumper beam shock absorber to obtain the invention as specified in claim 8, as taught by the prior references' motivation, and not hindsight from the Applicant's disclosure.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is (571)272-6657. The examiner can normally be reached on Mon-Fri (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Glenn Dayoan/  
Supervisory Patent Examiner, Art Unit 3612

Paul A. Chenevert  
Examiner  
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